12.30 hrs.

[English]

RE: BOFORS 155 MM HOWITZER GUN DEAL

MR. SPEAKER : On the issue of the motion being tabled by Mr. Jaswant Singh, I request all of you to limit to two speakers. Besides the Mover, there will be two Members each from the Congress party and the BJP and one Member each from the smaller parties.

SHRI PRAMOD MAHAJAN (Mumbai-North East) : Sir, there is a premium on the smaller parties in the House because one can form a Government with the smaller parties.

MR. SPEAKER : This is a democracy.

SHRI SOMNATH CHATTERJEE (Bolpur) : What is all this long discussion?

MR. SPEAKER : I do not know, that is what the hon. Member wanted.

SHRI JASWANT SINGH (Chittorgarh) : I will just explain.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Mr. Speaker, Sir, it started with the Zero Hour. We are taken by surprise with the idea that there is already a motion in the name of our great Jaswant.

MR. SPEAKER : That is why I am restricting the speakers, but everybody wants to speak.

SHRI NIRMAL KANTI CHATTERJEE : What is the motion?

MR. SPEAKER : Today, it is the question of admissibility which will be discussed. Whether the notice given under Rule 184 is admissible or not has to be decided. I am only allowing two Members.

SHRI JASWANT SINGH : I am not on the motion proper.

MR. SPEAKER : No, it is the admissibility only.

SHRI JASWANT SINGH : I am only on the rationale, the reason that has persuaded me–I do apologise for the state of my throat, I shall make endeavours to be as clear as possible–to submit for your consideration a motion under Rule 184, and what I had suggested as the content of that motion. If you permit me, I can read it out. That being not in accordance with the rules, I can give the substance of it.

What I have suggested is that under Rule 184 of this House, a Committee of both the Houses be constitued to go into all aspects of the Bofors gun deal in the light of the documents since received from the Swiss authorities and to consider the Government's response thereto. I must as far as possible, explain to you that this is not a debate on the merits or demerits of my submission. It is only a submission about why it should be under Rule 184 and why I feel there is need for constituting a Committee.

I think it is appropriate at this stage for me to mention that it was 16th April 1987, if I recollect right, when the Swedish Redio first divulged the facts about the procurement of this weapon system by India. I recollect very well that even then when I raised this issue, I had no concept, I had no idea whatsoever that ten years down the line, near about ten years now from 1987 to 1997, I would still be in Parliament; or even more poignantly and tellingly that ten years down the line we would still be discussing Bofors. I think that fact is both a fact of sadness and a fact that carries within it a great many lessons for all of us.

I would be remiss at this stage if I did not place on record my personal sense of appreciation that the fact that we have access today to certain information is, principally not because of what the successive Governments have done but essentially we owe it to one intrepid lady journalist working in Switzerland, Ms. Chitra Subramanian, We owe it to some remarkable journalism demonstrated by *the Hindu* and Mr. N. Ram, and in that period by *the Indian Express*, and also by Mr. Arun Shourie. I would be remiss if I did not place on record that we have access to the documents that we have today because of the then team of investigations appointed by the then Prime Minister comprising Arun Jetley, Madhavan and Bhure Lal. Because of what they did, the country has today access to the documents that we have.

Here it is necessary for me to share a caution with the entire House. This is a caution that I share on the basis of my experience of this entire issue of Bofors.

Every attempt at prematurely burying Bofors results in this issue resurrecting itself and shooting in our face. By premature burial, I mean, when we attepmt to evade the issue before it is fully and finally resolved. That also is the reason why I am persuaded to move a Motion under Rule 184. *(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : Do we take your certificate about the quality of Bofors?

SHRI JASWANT SINGH : Absolutely, I will answer that question.

The question today is not about the quality of the

weapons system. The question never was about the quality of the weapons system. But if you permit me to respond to it, I will answer this query also. The question is really about the illegalities and irregularities attendant upon the obtaining of this weapons system. We would be deflected from the central purpose of this inquiry, if we got into the maze and the complications of the quality of one weapon system against another. Therefore, I submit in all humility that it is time that we addressed ourselves fully, resolutely and decisively. If we finally want to get rid of this curse that has afflicted our system, because the damage that Bofors has caused to us is incalculable. Let me share with you why has this damage been incalculable.

Personally, the very first thing that I am saying, in a very real sense, is that the fair name of India did get sullied from that period onwards and until we resolve it that blot on us shall remain. I say this with true sorrow. The travdics of Bofors whether directly or indirectly have taken the lives of two Prime Ministers, one of Sweden and one of India. In the prime of the Indian Prime Minister's creative life, somehow through a chain of circumstances–robbed him of his contribution. I was his political adversary. I remain his political adversary. But his loss is certainly a loss to the contribution that he would have made. He was in the pink of his life. The creative years were ahead of him.

12.38 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

I also feel that the elections of 1989 became a single-issue election and the Party that had won 400 plus seats earlier lost because of this. It was a very heavy price India had to pay. We have all paid this price. Even more important is that it was on account of Bofors that from 1987 onwards, decision-making processes, particularly about obtaining of complex weapons system was virtually paralysed in the Ministry of Defence, and it has taken ten years for the Ministry of Defence to place its first major order since 1987. From 1987 Bofors 155 mm Howitzer to the recent placement of a supply of Sukhoi aircraft has taken ten years. This has caused us paralysis for ten continous years.

We perverted on account of Bofors systems, because of Bofors system got perverted, also instiutions, persons, the Joint Parliamentary Committee, Parliament itself, the Ministry of Defence, the Comptroller and Auditor General, the Central Bureau of Investigation, the then Prime Minister, the Prime Minister's Office, all these institutions were got dragged into the dragnet of Bofors.

I also want to place on record that it was on account of Bofors that a person who I think was truly amongst the most capable Defence Ministers that the Indepdendent India has had, he had to lose his job. It was on account of Bofors yet again that a distiguished Member of the Congress party, a man of gentility, and a man otherwise of great discretion and learning, lost his job as the Minister of External Affairs.

Then our Service Officers, the Chief of Staff, and some retired Generals who have been dragged into this controversy of Bofors, is part of that price that we are paying and we are continuing to pay. I do submit to this Assembly and to this Government, now ten or eleven years down the line, please recognise that enough is enough. We cannot simply close this chapter. I truly wish we could close the chapter. The Leader of the Congress Party has suggested, in a Sotto voice that we close the chapter. If we could, we could have closed the chapter many years earlier, provided certain things had been done. That is why, I submit, let us learn from the mistake that we have committed. When the discussion does takes place, it shall be my endeavour to say as to what are the things that we must not do. On the top of the list, I have written here, when the discussion is finally conceded, it shall be my endeavour to say what we must not do. I do not think the debate is any longer about denigrating anybody. No purpose will be served by denigrating them. That price has already been paid. But the consequences of the actions that were taken, or actions not taken, still visit upon us. To those we shall have to attend. If we do not attend to them, then, we simply will not be able to rid ourselves of this haunting ghost of Bofors.

Secondly, Sir, I would like to submit that whatever we do today, we should neither diminish India nor devalue Parliament. This Parliament is certainly not a Chamber of inquisition, but the Parliment is also the only Chamber that can provide a check and provide a balance upon the Executive. I agree, Sir, that in obtaining all these documents, whether this Government or the previous Governments, had given commitments to the Government of Switzerland. Those commitments are international commitments. Those commitments have to be upheld because it is the obligation of India to uphold them. It is because of this, Sir, that whereas we must be meticulous in our adhevance to the commitments that had been given, we have to, simultaneously, assert the role, relevance the and continuing the effectiveness of the Legislature. It is this balance that has to be found, and for finding this balance I have sugggested a course. I appeal to the Government and to all of you that whatever we do, there must not even be an appearance of delay. Now, in attempting to reach at the truth, there are to be no evasions, no delays and no prevarication. Therefore, I have suggested a discussion under Rule 184 and the constitution of a Committee. You might say that the Parliament cannot be provided with documents and papers that have come from Swtizerland. That is only one part

{Shri Jaswant Singh]

of the totality of what Bofors Papers are. Therefore, we must understand what we mean by "all the papers". If there are certain papers which cannot be made available because the Government is claiming privilege about those papers, that is only the beginning of it. All papers about Bofors which are in the possession of the Government, the Ministry of Defence and which were not shared either with the Parliament or with the then JPC Must, now, be made available to the Parliament. When the Audit Bureau of Sweden shared information with the then Government of India, they withheld some information from us. If that information is available with the Government, it must be made available to us also.

If it is not available with the Government, it must then be obtained from Sweden.

There is information available with the media. Indeed, *The Hindu* have publicly asserted that in their possession is a document relating to particular lawyer, 'a trustee lawyer' and that they are ready to share the details about that lawyer provided the Government or the investigative agencies ask them for that. We must do so. Whatever we do, it must be coordinated, effective and an efficient action.

I am astonished at the publicity that the investigative agencies are seeking, on a daily basis, about this case. This is not at all necessary. No investigative agency in the world presents itself in front of Television cameras and offers boxes seized and then suggest as if it is some kind of a great achievement. It is no achievement by the investigative agency, I am sorry. The investigative agencies are supposed to investigate quietly, outside the glare of publicity. That is the index of their efficiency, not the time that they are able to obtain on a State captive media.

Sir, I submit, and it is my advice to the hon. Prime MInister, I really wish he were here, not to give assurances to the Parliament. I would like to share three assurances given separately by three different Prime Ministers. The first, in whose time this entire controversy arose shared with the House saying, "Do not tell us, who are the actual guilty party just point the direction in which we should look and we will do the rest." I do not need to narrate the entire chain of events that followed after that Another Prime Minister followed and he informed the whole of the country, "I will reveal the names in 14 days times."

SHRI RAJESH PILOT (Dausa) : You were also partners of that Government.

SHRI JASWANT SINGH : Yes, we were supporters of the Government, without doubt.

SHRI RAJESH PILOT : You must say that you were not with that Party.

SHRI JASWANT SINGH : What my friend, Shri Rajesh Pilot is suggesting is a classical situation of quilt through association. If guilt through association is the thesis that you are propounding, then I think, you should really reflect upon the association that you are presently maintaining . . . *(Interruptions)*

SHRI RAJESH PILOT : Shri Jaswant Singhji, if you recollect the speeches of the team in 1989 elections, whether this side or that side, there was only one voice in Rajasthan or in every part of the country, 'names are in our pocket, within fourteen days we will declare them.' Please accept the guilt because you are sharing that, not we. We have said it and we still maintain that the truth must come out. It is the policy of our party that the truth must be told to the nation and I would go one step further– people who are not with us–and I would say that if anybody is involved of any nature, nation must know. The nation must know the truth as to who is involved. We are totally on that line.

SHRI NIRMAL KANTI CHATTERJEE : Unlike in the case of Parliamentary Committee, When they alone were present and the entire Opposition baycotted it and the truth was out at that time also, I think, he will corrobarate it . . . *(Interruptions)*

SHRI JASWANT SINGH : Mr. Deputy-speaker Sir, I think, this is . . . *(Interruptions)*

MR. DEPUTY-SPEAKER : Please, let him continue.

. . . *(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : Sir, if they were not there at that time in the Parliament, they should check up the record and it is explicit why we had to boycott . . . *(Interruptions)* We do not regret that we were not associated with that kind of a finding and they are not yet shameful about it...*(Interruptions)*

MR. DEPUTY-SPEAKER : Please sit down. Please take your seats.

SHRI JASWANT SINGH : Sir, he is a dear friend and old friend, I welcome what my friend Shri Rajesh Pilot has said. It was not my intention when making my submission; it is not my intention now to engage in competitive accusation, 'I did this. You did this.' I think, the issue has gone well beyond that. If we do not, even now, recognise that this issue has really caused us such an immense harm and it has gone beyond competitive trading of charges, 'You traded against me. I traded against you.'; there is a collectivity of the House, which is now being tested. . . . *(Interruptions)*

SHRI SANAT MEHTA (Surendra Nagar) : It is better late than never. . .*(Interruptions)*

SHRI JASWANT SINGH : I know, better indeed.

I have cited two Prime Ministers and their assurances to this House. Sir, therefore, the third Prime Minister in this very Parliament and in a context, which is not a happy context, which came to be called against certain hon. Members of the then Parliament, when the House remonstrated and said, 'We do not know. We are not informed. How will we be kept informed?' assured the House, 'I will personally deal with Bofors and monitor the Bofors on a day to day basis and I will keep you informed'... *(Interruptions)* Why do I say this? It is only to submit to the present hon. Prime Minister in all seriousness–I submit it recognising the great load that he carries–do not give any personal assurance to the Parliament on how you will deal with the case. That again is the reason why, Sir, I am drawing the responsibility of this Parliament into it.

Now, there is a suggestion that I share with the Government–please now at last no dissimulation, no pretext, no cover-up and no other incidents of the July 22, 23, 1993 variety. Do I have to point out that incident? I think, it was on July 22, 1993 that seven names were publicly announced in Switzerland. Should I repeat those names? They are Svenska; AE Services; Jubilee Finance; three Hinduja brothers; Shri Win Chaddha; an Italian tradesman or freebooter or whatever by the name of Quattrocchi. After all this is known–this is July middle of 1993—till date no Government has made a serious effort to get Shri Win Chaddha back; no Government has made any effort whatsoever even to query informally the three Hinduja brothers. And of course, not only was no effort made to restrain this Italian gentleman. There are suggestions. I do not know. The Government has to explain. There are suggestions that there was connivance in permitting this Quattrocchi to leave India. Now, that is why I say that this will no longer work. This is not an answer. I am astonished. All of them—this Italian gentleman, Quattrocchi, Mr. Win Chaddha, the Hindujas–despite the papers that have appeared, despite what the Swiss Courts have said, have said, 'We have nothing to do with it'. All of them are sare because they knew India's system. Every other country in the world is able to extradite people that they want to extradite.

We alone continue to fail. There stayed a man in Hong Kong needed for havala case and he escaped, we failed with Dawood Ibrahim. We were never able to extradite him. When Singapore comes across a financial scandal of major proprotions, they are able to extradite from Germany a man that they want within three months. We are not able to extradite. I think the Government has to answer this.

Either there existed a connection between Snamprogetti and Bofors and if there existed no connection, then what was the payment made for? Was there any connection between Italy and Sweden that Sweden should quietly pay money to Italy? What is this? Either Bofors was fooled to pay Quattrocchhi seven-and-a-half million dollars. For what? For doing nothing or Bofors are such fools that they disturbed all their existing arrangements to pay Quattrocchhi seven-and-a-half million dollars, almost at the penultimate stage of the entire proceedings. Or, on the other hand, Quattrocchhi was such a hoodie, such a wizard that he not only fooled all of us but he fooled Bofors, Switzerland, Sweden and everyone and took seven-and-a-half million dollars quietly and in comfort flew away to Kuala Lumpur. *(Interruptions)* Whatever may be the reason, that fact remains. This is a fact. He has received the money. He has received the payment.

Therefore, I suggest that along with all these, please take expeditious action to get, to obtain the details of the remaining accounts. We all of us know that there are certain accounts which are still under appeal in Switzerland and those must also be obtained quickly.

Then, my next recommendation is that we must explore all legal and diplomatic avenues for obtaining information, assistance, cooperation and extradition–whether from Sweden or Switzerland or Malaysia or United Arab Emirates. But we must act with much greater dispatch. That is why, I have submitted a Motiom under Rule 184 because I believe that it must be a Motion of the House that should establish a Committee.

Why am I suggesting a Committee? I am not suggesting a Committee to waste further time. This will not be a Committee of Inquiry. This will be Committee that will ensure, as the child of Parliament, that the executive, that the Government continues to conduct itself in the monitoring of the Bofors case with despatch, with honesty and with a single mindedness, that I think this issue merits today, so that we can finally push it aside. Why do I recommend a Committee? It is because the Parliament cannot discuss this issue on a day-to-day basis. If there is a small Committee that can continue to oversee, assist, cooperate with, work along with the Government to see that that Committee will be the ears and eyes of the Parliament informing the Parliament as to what will happen, what is true. That Committee will obviate all difficulties relating to the privilage about papers that the Government is presently seeking.

One more reason is, if you do not constitute such a Committee, I have an apprehension in my mind that tomorrow someone will go in a Public Interest Litigation and the Courts will say, 'Parliament, you are doing nothing'.

[Shri Jaswant Singh]

Through Public Interest Litigation, we, the courts will now monitor the further progress of this issue as well' as it has happend in the case of Indian Bank. It is just today or yesterday, the Apex Court has ruled in the case of Indian Bank, as has happened in the case of Chandraswami, as has happend in the case of the havala matter and many other matters.

SHRI A.C. JOS (Idukki) : You are giving a hint to the Court.

SHRI JASWANT SINGH : I am not giving any hint to the Court. I am giving a direct suggestion to the Parliament. It is not a hint to the Court. I am appealing to the Parliament. The Parliament has sufficient ability and sufficient powers. This Committee is not a Committee of Inquiry. It will act as a distillate of the Parliament to ensure that the Government continues to remian on the straight and the narrow, that the Government continues to act with despatch.

13.00 hrs.

I appeal, therefore for this Committee—which as I said has to be constituted—really to study, to scrutinise, to recommend and to ensure implementation through the cooperation of all.

I feel now that there does exist, if not total unanimity, a certain basic unanimity, in the House as far as this Bofors matter is concerned. All of us want to finally get at the truth. All of us want finally to be rid of the curse of Bofors and there is no way that we can reconcile both the aspects, the Government simultaneously claiming privilege about the papers and we, as representatives in this House wanting that we with our rights and responsibilities of Parliament must continue to perform to provide checks and balances in this Parliament. The only way out is the Constitution of such a Committee and the only way that such a Committee can be formed is through the Motion that I have moved under Rule 184. I appeal to all of you that if the substance of what I am saying is acceptable to you we can re-define the Motion, we can lay down the purpose of the Committee. But let us now, please, take a decision because the taking of such a decision itself will, I think, be a singular example. It will send all the right message that need to be sent across, not simply the investigative agencies, not simply the judicial structure of the Republic; it will also send some constructive message also to the body politic of the country.

Sir, the entire House wants the facts. Finally, therefore, let us get at the truth and let us get at that truth for justice. That is why I have moved this Motion.

MR. DEPUTY-SPEAKER : This is a very important issue. Before calling another hon. Member, I want to seek the consensus of the House. Would you like to continue the discussion or adjourn for Lunch?

SEVERAL HON. MEMBERS : No lunch need be there.

MR. DEPUTY-SPEAKER : All right; agreed. There will be no lunch. Shri Sontosh Mohan Dev.

SHRI SOMNATH CHATTERJEE : Is there no lunch?

SHRI NIRMAL KANTI CHATTERJEE : There should be a lunch.

AN HON. MEMBER : There will be lunch.

SHRI NIRMAL KANTI CHATTERJEE : We want to fully participate in the debate. What happens is, if you do not give a lunch hour we may be absent when something important is being discussed. We can come back and then discuss.

MR. DEPUTY-SPEAKER : So, you want a lunch hour.

SHRI NIRMAL KANTI CHATTERJEE : We come back and discuss.

MR. DEPUTY-SPEAKER : All right. Shri Sontosh Mohan Dev.

SHRI SONTOSH MOHAN DEV (Silchar) : When I stand up I will not make a debate like Shri Jaswant Singh.

MR. DEPTY-SPEAKER : You can start after lunch.

The House stands adjourned for Lunch till 2 P.M.

13.00 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.

14.07 hrs.

The Lok Sabha re-assembled after Lunch at Seven Minutes past Fourteen of the Clock.

[Mr. Speaker *in the Chair*]

MEMBER SWORN

[English]

Shri Neil Aloysius O'Brien (Nominated Anglo-Indian)